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La Représentation Diplomatique de la Suisse. By René de Weck. Paris: Fontemoing & Co. 1911. pp. vi, 140.

This work is not, and does not purport to be, a treatise dealing with the foreign relations of Switzerland with other Powers. Its main purpose appears to be to record the development of the diplomatic personnel of the republic from the small beginnings of the sixteenth and seventeenth centuries to its present state of efficiency; and in so doing the author discusses with clearness and ability questions of Swiss constitutional law, the consideration of which is essential to a comprehensive representation of the subject with which he deals.

The book is divided into two parts, the first of which commences with a short sketch of the foreign relations of the Cantons before 1798; the author then discusses the effect on Swiss representation of the Act of Mediation and the neutralization of Switzerland in 1815. He closes this portion of his work with a chapter devoted principally to those provisions of the constitutions of 1848 and 1874 which set out and define the powers vested in the Federal Council and the Assembly with regard to the establishment and maintenance of diplomatic posts and the appointment of diplomatic officers.

The second part is devoted to the consideration of the part played by Switzerland as a member of the family of nations, and of the present status of its foreign representation, but mainly to an interesting discussion of the author's interpretation of the constitutional provisions dealing with the general subject of his work. The book closes with a chapter on the juridical status of the personal obligations and some considerations as to the part to be played by Swiss diplomacy in the future.

The work is unpretentious, simple and comprehensive within the limit of the field which it is designed to cover, and throughout the author is careful not to permit his sense of patriotism to stand in the way of a sound and temperate criticism.

C. L. BOUVÉ.

The Development of Belligerent Occupation. By Jacob Elon Conner. Published in the Bulletin of the State University of Iowa. Studies in Sociology, Economics, Politics, and History. April 6, 1912.

This little work by Dr. Conner, lately United States Consul at Saigon, Cochin China, and Consul at St. Petersburg since 1909, covers 64 pages.

In his introduction he points out the different meanings attached to the term "Belligerent Occupation," and to like expressions, saying, "We

have heard much of the military occupation of Cuba, Porto Rico and the Philippines, by the United States, and of China by the united Powers. Yet each case represents a different phase of occupation," and, he says, "speaking precisely, only the last mentioned is a case in point throughout, such as is contemplated in our subject." He discriminates between "military occupation," as in Cuba after our treaty of peace with Spain, and "belligerent occupation," which he confines to "occupation during the conflict."

He gives some seven pages to primitive usage, quoting the practices of the Israelites, of Cyrus as recorded by Xenophon, of Philip of Macedon after Chaeronea, and of the ancients in general, showing that "the constant tendency in warfare is toward intensification; the fiercest possible treatment of the fighting machinery of the enemy, whether it be a weapon or a man, and side by side with this the exemption of the unarmed or inoffensive populace."

Mr. Conner devotes eight and a half pages to "Roman Law and Usage," pointing out that "it is evident that whatever restraints they [the Romans] placed upon their soldiers in regard to pillage must have been dictated by expediency and good discipline rather than by compassion for the enemy. Cicero's dictum that 'it is not contrary to the laws of nature to spoil the goods of him who it is lawful to kill' betrays the primitive concept of war which obtained in his time, in that so little compassion is found for an enemy in the mind of a naturally compassionate man." He shows that *jus postliminium*, which was well established by the time of Justinian, was the initial step toward the rules of belligerent occupation.

Nine and a half pages follow under the title "From Justinian to the Publicists." During this time he shows almost "an interregnum of international law" except for "the services rendered by the so-called Holy Roman Empire and the Roman Catholic Church," and "a relapse toward barbaric methods." But he shows that great commanders sometimes either from policy or humanity protected the conquered civil population, instancing Belisarius, Totila, the Saracens and among them Abu Beki, and most particularly, Alfred the Great. He says, to Henry V of England in 1419 belongs the unique distinction of "the first attempts at a manual of instruction for his army in the territory of the enemy," and this most important manual Mr. Conner extensively summarizes. He shows the practice of English armies was greatly humanized thereafter in contrast to that of the Continental armies.

Mr. Conner gives eleven and a half succeeding pages to "The Publicists," and among them especially to the development of the rules of belligerent occupation by the great and humane mind of Hugo Grotius. Dr. Conner deeply regrets "that none of the publicists seem to have known of the war ordinances of Henry V," but he infers their indirect softening influences nevertheless, and particularly on Gentilis, who was at Oxford in Queen Elizabeth's reign and who was often consulted and whose mild advice on international affairs was often accepted by that great sovereign.

Dr. Conner's remaining pages are divided between the headings "From Grotius to Vattel" and "From Vattel to the Present." He shows that the century following Grotius witnessed "the greatest degree of amelioration of military usage the world has ever known," supporting the assertion by various examples and citations. This reviewer would suggest that in the recent writings of the Hon. Andrew D. White this view has been most eloquently, learnedly and impressively sustained with especial reference to the effect of Grotius' *De Jure Belli et Pacis*, and that in a later edition Dr. Conner might well add a reference thereto.

Dr. Conner shows that the practice of the British in the case of occupations during the War of the Revolution was more humane than in the War of 1812, but attributes it to the fact that the Colonies were then still regarded by them as domestic territory.

As to our great Civil War he says, "It may be wondered at that" its usages on both sides "were less mild than those of any other civilized contest in which the United States has been engaged." He examines and classifies no less than eight causes for this, and points out that Dr. Lieber's manual for the Federal Armies, prepared at the request of President Lincoln, approved and published by the United States Government in 1863, ushers in a new period of development, that of codification, this being the parent of many such codes by nations and international congresses, now partially harmonized by the Hague Conferences. He shows how greatly this code humanized the laws of occupation and that its influence has been world-wide.

He says that the extraordinary occupation of Peking by the allies in 1900 promised much and fulfilled little as to modern usage, since China was not regarded as within the pale of international law in such matters; that the expedition was punitive in purpose; that innocent Chinese suffered many indignities in person and property. However, he shows that several cases of violence in the American force were tried and the

offenders severely punished and "serious attempts at restraint were very generally adopted."

Dr. Conner in closing, discusses again the right of *postliminium*, showing that the right perishes with the treaty of peace, so far as it affects property, and he says "Whatever one might say of the treatment of private movable property, no one now would be willing to say with Halleck 'We think, therefore, that by the just rules of war, the conqueror has the same right to use or alienate the public domain of the conquered or displaced government as he has to use or alienate its movable property.'"

In this connection it would have been profitable if there had been added some citations of texts or decisions supporting Dr. Conner's views. Certain decisions arising under the German occupation of French territory in connection with the Franco-Prussian War seem especially in point.

See case of *Guerin*, Court of Appeals of Nancy, 1872 (Dalloz, 1872, II, p. 185); and *Mohrl and Haas v. Hatzfeld*, same court, 1872 (Dalloz, II, p. 229); and see note of both cases, *Scott's Cases on International Law*, p. 674.

Dr. Conner's thesis is a clear, thoughtful and succinct historical review of his subject which will be read with interest and profit. A lawyer sometimes, as has been indicated, feels the lack of full supporting citations which have been, perhaps purposely, limited by Dr. Conner in a publication meant to be historical rather than legal.

CHARLES NOBLE GREGORY.

Las reclamaciones extranjerasy el Arbitraje. By Eliseo Giberga. Special supplement to the February, 1912, number of *El Economista*. Habana: Imprenta Avisador Comercial. 1912. pp. 22.

A special supplement of the February number of *El Economista*, published in Havana, contains a most interesting article by Eliseo Giberga, entitled "Las Reclamaciones Extranjeras y el Arbitraje."

From the wording of the title, one would naturally expect the article to treat of the general subject of "Foreign Claims and Arbitration," but a careful reading of the same leads the reviewer to believe that the title is misleading and ought to have been stated as "The liability of Cuba to the Governments of England, Germany, and France for the payment of claims arising during the struggle for independence."

The writer states, as a premise, that the Cuban state was not born as